



Lower Court Appeals

Andrea L. Kever
Maricopa County Attorney's Office
kever@mcao.maricopa.gov



State v. Miley Cyrus – A DUI Case



She drank, she smoked, she drove



What is a lower court appeal?

“Trial court” municipal or justice court

“Superior court” appellate court



What is an appealable order?

- ◆ 13-4032 Appeal by the State
- ◆ 13-4033 Appeal by the defendant



What rules govern lower court appeals?

- ❖ Superior Court Rules of Appellate Procedure-Criminal
- ❖ Superior Court Local Rules



Deadlines for filing a lower court appeal?

14 calendar days- jurisdictional

What are the defendant's conditions of release on appeal?

❖ Rule 7.2





How can trial prosecutors help build a good record for review?

- ◆ Case log and file



What if the record is insufficient for review?

- ◆ Preference for new trial in municipal or justice court



What are procedural motions?

- Motions to dismiss




What are the requirements for the Appellate Memoranda?

- ❖ Facts
- ❖ Argument
- ❖ Conclusion



Possible dispositions of lower court appeals?

- ◆ Reverse and remand for a new trial
- ◆ Reverse and direct a verdict of acquittal
- ◆ Affirm and remand
- ◆ Affirm and modify sentence



What are the provisions for rehearing?

- 14 calendar days
- No oral argument



What are the options for further review?

- ◆ Limitation in 22-375(A)



Lower Court Appeals Checklist

- ◆ State as the Appellant
- ◆ State as the Appellee